REMARKS

Applicant respectfully requests reconsideration of the subject application as amended. In response to the Office Action mailed 9/30/04, Applicant is filing this amendment. Claims 1, 2, 4, 5, 10-12, 14, 15, 17, 18, 23-25 and 27 are still pending.

In the Office Action mailed 9/30/04, the Examiner has objected to the drawings for not mentioning element **116**. There is a typographical error on page 34 at line 6, which Applicant has corrected in the amendment to the specification by changing the second occurrence of reference numeral **114** to **116**. No new matter is being introduced. Accordingly, Applicant requests the Examiner to withdraw the drawing objection.

The Examiner has objected to the title of the invention as not being descriptive. Applicant is submitting an amended title of "Power Consumption Reduction In A Pipeline By Stalling Instruction Issue On A Load Miss." Applicant requests for the acceptance of the amended title.

In reference to claim 27, the Examiner has objected to the claim for informalities and also rejected the claim under 35 U.S.C. §101 for non-statutory subject matter. Applicant has amended claim 27 to remove the informality and also to claim a computer accessible medium comprising one or more data structures to manufacture a processor, in which the processor includes the recited elements of the claim. Applicant submits that the recited preamble now claims statutory subject matter and requests the Examiner to withdraw both the objection and the rejection as to claim 27.

The Examiner has rejected claims 1-27 under 35 U.S.C. §102(b) as being anticipated by Sager (U.S. Patent 5,966,544). Applicant submits that Sager fails to disclose the elements of the pending claims, as amended. Sager discloses a microprocessor having a replay architecture in which a delay unit makes a copy of the instruction and holds the copy of the instruction for "bogus" speculation.

The embodiments of the present invention, as now recited in the amended independent claims, claim the use of a miss tag (associated with the load miss) and a fill tag (associated with data fill), which is returned in response to providing data for a load miss. When replay is encountered with a load miss, instruction issue is stalled. When fill

data is being returned, a miss tag and a fill tag are compared. When the comparison results in a match, the stall state is exited and instruction(s) may issue again. These claimed aspects of the embodiments of the invention are not disclosed in Sager. Accordingly, Applicant submits that the amended claims distinguish over Sager and requests the Examiner to withdraw the 35 U.S.C. §102(b) rejection.

Accordingly, Applicant submits that pending claims 1, 2, 4, 5, 10-12, 14, 15, 17, 18, 23-25 and 27, as amended, are in condition for allowance and respectfully requests the Examiner to allow these claims.

If there are any fee shortages related to this response, please charge such fee shortages to Deposit Account No. 50-2126.

Respectfully submitted,

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CERTIFICATE OF MAILING

37 C.F.R 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date below:

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